IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH NOVEMBER 2007 / 16TH KARTHIKA 1929

Bail Appl..No. 6662 of 2007()

CRLMP.2815/2007 of DISTRICT COURT, ALAPPUZHA
CRIME NO.161/2007 OF RAMANKARI POLICE STATION]

.....

: PETITIONER/2ND ACCUSED

V.C.MATHEW @ MATHEWKUTTY,
S/O.CHACKO CHACKO, VANIAPURACKAL VEEDU,
VELIYANAD PANCHAYATH WARD XI.

BY ADV. SRI.K.A.SALIL NARAYANAN

RESPONDENT: COMPLAINANT

STATE OF KERALA, REP. BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6662 of 2007

Dated this the 7th day of November 2007

O R D E R

Application for regular bail. The petitioner is the second accused. Altogether there are two accused persons. The petitioner is the brother of the first accused. The first accused is the licensee of a toddy shop. The crux of the allegations against the accused persons is that they together were involved in the attempt to transport 70 litres of spirit to the toddy shop of the first accused. The police party, on getting information of the illicit transportation, chased the vehicle. The vehicle ultimately stopped near the toddy shop of the first accused. The first accused took to his heels. He could not be traced. The petitioner was available in the car and was arrested. The detection and arrest took place on 6/10/2007. The petitioner continues in custody from that date. The petitioner has no criminal antecedents though the brother, the first accused, is involved in several other crimes.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner may now be enlarged on bail, submits the learned counsel for the petitioner.

3. The learned Public Prosecutor opposes the application. The learned Public Prosecutor submits that the allegations are serious. Investigation is not complete. The first accused is still at large. In these circumstances, the petitioner may not now be enlarged on bail, submits the learned Public Prosecutor.

4. In the wake of the opposition by the learned Public Prosecutor, regular bail can be granted to the petitioner only if this court is in a position to entertain the twin satisfactions under Section 41A of the Kerala Abkari Act. I do not find any circumstances which can persuade this court to entertain either of those two satisfactions at the moment. I am satisfied that this petition deserves to be dismissed now.

5. In the result, this petition is dismissed. I may hasten to observe that the petitioner shall be at liberty to move this court or the courts below for bail at later stage of the investigation, not at any rate, prior to 21/11/2007. The investigating officer shall, in the meantime, make every endeavour to complete the investigation.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007